

REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS DUE APRIL 1, 2019 FOR:

**Subtitle 45 MARYLAND COMMUNITY HEALTH RESOURCES
Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE
Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE
Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN,
INFANTS, AND CHILDREN (WIC)
Subtitle 55 STATE BOARD OF SPINAL CORD INJURY RESEARCH
Subtitle 56 BOARD OF DIETETIC PRACTICE
Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
PROGRAM ADMINISTRATORS
Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
Subtitle 59 CATASTROPHIC HEALTH EMERGENCIES
Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS
Subtitle 61 HEALTH ENTERPRISE ZONE INITIATIVE
Subtitle 62 NATALIE LAPRADE MEDICAL CANNABIS COMMISSION
Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS & SERVICE
Subtitle 64 BOARD OF NURSING — LICENSED DIRECT-ENTRY MIDWIVES
Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS**

SUBMITTED BY:

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EVALUATION REPORTS

Subtitle 45 MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION

10.45.02 Officers and Staff	No Action
10.45.03 Committees	Amendment
10.45.04 Meetings	Amendment
10.45.05 Community Health Resources	Amendment
10.45.06 Community Health Resources Grants	Amendment
10.45.07 Selection Criteria and Funding Priorities	No Action
10.45.08 Selection Process	Amendment
10.45.09 Emergency Grant Funding	Repeal

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

10.46.01 General Regulations	No Action
10.46.02 Code of Ethics	No Action
10.46.03 Procedure for Board Hearings	No Action
10.46.05 Collection of Fees	No Action

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

10.53.06 Electrology Program	Amendment
10.53.08 Instruments and Procedures	No Action
10.53.09 Sterilization Procedures	No Action
10.53.10 Advertising	No Action

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.01 Eligibility, Participation, and Benefits	Amendment
10.54.02 Local Agency	Amendment

Subtitle 56 BOARD OF DIETETIC PRACTICE

10.56.01 Licensure	No Action
10.56.02 Fees	No Action
10.56.03 Code of Ethics	No Action
10.56.04 Hearing Procedures	No Action
10.56.05 Continuing Education	No Action
10.56.06 Compelling Purpose Disclosure	No Action
10.56.07 Advertising	No Action
10.56.08 Tax Compliance Regulations	No Action

Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

10.57.04 Continuing Education	No Action
10.57.05 Code of Ethics	No Action
10.57.06 Hearing Procedures	No Action
10.57.08 Compelling Purpose Disclosures	No Action
10.57.09 Tax Compliance Regulations	No Action

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.01 General Regulations	No Action
10.58.03 Code of Ethics	No Action
10.58.04 Hearing Procedures	No Action
10.58.05 Continuing Education	No Action
10.58.06 Licensure by Waiver	Repeal
10.58.10 Compelling Purpose Disclosure	No Action

10.58.11 Advanced Assessment Activities	No Action
<u>Subtitle 59 CATASTROPHIC HEALTH EMERGENCIES</u>	
10.59.01 Care of Individuals Isolated or Quarantined Due to a Deadly Agent	No Action

EXEMPTIONS REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of DHMH has certified to the Governor and the AELR Committee that a review of the following chapters would not be effective or cost-effective and therefore are exempt from the review process based on the fact that they were either initially adopted (IA), comprehensively amended (CA) during the preceding 8 years, or Federally mandated (FM):

Subtitle 45 MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION

10.45.01 Purpose and Definitions	CA 7-23-12
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Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

10.46.04 Continuing Competency Requirement	CA: 2-29-16 & 10-23-17
10.46.06 Competency Requirements for Physical Agent Modalities	CA: 9-14-15
10.46.07 Sanctioning Guidelines	CA: 10-23-17

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

10.53.01 Definitions	CA 7-2-18
10.53.02 Licensure	CA 2-13-17
10.53.03 Electrology Examination	CA 7-2-18
10.53.04 Continuing Education	CA 8-19-13
10.53.05 Standard's of Practice and Conduct	CA 12-11-14
10.53.07 Electrologist's Office	CA 7-2-18
10.53.11 Rehabilitation Committee	CA 7-2-18
10.53.12 Fees	CA 8-19-13

Subtitle 54 SPECIAL SUPP. NUTRITION PROGRAM FOR WOMEN, INFANTS, & CHILDREN (WIC)

10.54.03 Retail Food and Pharmacy Vendors	CA 3-13-17
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Subtitle 55 STATE BOARD OF SPINAL CORD INJURY RESEARCH

10.55.01 Administration of Spinal Cord Injury Trust Fund	CA 3-26-18
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Subtitle 56 BOARD OF DIETETIC PRACTICE

10.56.09 Disciplinary Sanctions and Monetary Penalties	CA 4-16-12
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Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROF.

10.57.01 Definitions	CA 11-7-16
10.57.02 Certification —Residential Child Care Program Administrators	CA 11-7-16
10.57.03 Certification —Residential Child and Youth Care Practitioners	CA 11-7-16
10.57.07 Fees	CA 9-14-15
10.57.10 Disciplinary Sanctions and Monetary Penalties	IA 6-11-12

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.02 Fees	CA 9-28-15
10.58.07 Alcohol & Drug Counselors—Req. for Certification & Licensure	CA 7-22-13
10.58.08 Marriage & Family Therapists— Req. for Certification & Licensure	CA 4-28-14
10.58.09 Disciplinary Sanctions and Monetary Penalties	CA 11-11-13
10.58.12 Supervision Requirements	CA 8-22-11
10.58.13 Supervision Req. for Lic. Grad. Alcohol & Drug Counselors & Graduate-Level Trainees	IA 11-11-13
10.58.14 Supervision Req. for Certified Alcohol & Drug Counselors & Trainees Pursuing Cert.	IA 11-11-13
10.58.15 Supervision Req. for Lic. Clinical Marriage & Family Therapists & Lic. Graduate Marriage & Family Therapists	IA: 4-28-14
10.58.16 Behavior Analyst Advisory Committee	IA: 5-22-17

Subtitle 60 BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

10.60.01 General Regulations	CA 11-9-15
10.60.02 Licensing Procedures	CA 11-9-15
10.60.03 Continuing Education	CA 11-9-15
10.60.04 Rules of Procedure for Board Hearings	CA 3-13-17
10.60.05 Code of Ethics	IA 4-15-13
10.60.06 Fee Schedule	IA 3-13-17
10.60.07 Compelling Public Purpose Disclosure	IA 4-15-13

Subtitle 61 HEALTH ENTERPRISE ZONE INITIATIVE

10.61.01 Health Enterprise Zone Tax Credits	IA 4-28-14
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Subtitle 62 NATALIE LAPRADE MEDICAL CANNABIS COMMISSION

10.62.01—10.62.35	IA 9-14-15
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Subtitle 63 COMMUNITY-BASED BEHAVIORAL HEALTH PROGRAMS AND SERVICES

10.63.01—10.63.06	IA 7-1-16
10.63.07 Outpatient Civil Commitment (OCC) Pilot Program	IA 11-6-17

Subtitle 64 BOARD OF NURSING — LICENSED DIRECT-ENTRY MIDWIVES

10.64.01 Practice of Licensed Direct-Entry Midwives	IA 12-19-16
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Subtitle 65 BOARD OF MASSAGE THERAPY EXAMINERS

10.65.01—10.65.09	IA or CA 1-2-17
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CHAPTERS THAT HAVE BEEN REPEALED

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

10.53.13 Examination for Special Needs Applicants
10.53.14 Monetary Penalties

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.02

Chapter Name: Officers and Staff

Authority: Health-General Article, § 19-2107, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February 12, 2007

Purpose: This chapter establishes the method of appointment and powers of the Commission Chair, the number and method of appointment of Commission members, the appointment and duties of the Commission's Executive Director, and the employment of a staff.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and

(e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

(6) Provide a summary of any relevant scientific data gathered.

None.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

(8) Provide a summary of any other relevant information gathered.

None.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX **no action**

Summary:

This chapter continues to be supported by statutory authority and is effective in accomplishing its intended purpose. Therefore, no action is required at this time.

Person performing review:

Title:

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.03

Chapter Name: Committees

Authority: Health-General Article, §§ 19-2107 and 19-2110, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February 12, 2007

Purpose: This chapter details the Commission's powers to appoint and administer standing and ad hoc committees. Current standing committees include the Committee on Capital and Operational Funding, the Committee on Hospital and Community Health Resource Relations, the Committee on School-Based Community Health Clinic Center Expansion, and the Committee on Data Information Systems.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;

- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX amendment

Summary:

Although COMAR 10.45.03.01 (Standing Committees) requires the Commission to appoint four standing committees from among its members, the Commission has never appointed any standing committee. After review and deliberation, the Commission concluded that except for the Committee on Capital and Operational Funding, the remaining standing committees were obsolete since their functions are accomplished either by the Commission itself during regular meetings or by other public bodies, such as the Maryland Council on Advancement of School-Based Health Centers. Moreover, the Commission concluded that the use of ad hoc committees is a viable alternative to standing committees. Accordingly, the Commission will amend this chapter to eliminate three of the four standing committees under Regulation .01, leaving only the standing Committee on Capital and Operational Funding. Regulation .02 of this chapter (governing ad hoc committees) will remain unchanged.

Person performing review: Mark Luckner

Title: Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.04

Chapter Name: Meetings

Authority: Health-General Article, §§ 19-2106 and 19-2107, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February 12, 2007

Purpose: This chapter sets forth the rules governing the Commission's meetings, as well as any meeting of a standing committee, including the establishment of a quorum, the number of meetings to be held each year, voting, and the recording and publication of meeting minutes.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX amendment

Summary:

Most of the language in this chapter is derived directly from statute, including the requirement that the Commission meet at least six times per year and that a majority of the full authorized membership of the Commission is a quorum. The language in this chapter largely continues to be supported by statutory authority and is effective in accomplishing its intended purpose, with one exception. The language in Regulation .01, subsection C(3), which states that “[t]he Commission may not act on any matter unless at least six members in attendance concur,” is confusing and appears to be in conflict with section 19-2106(a)(2) of the Health-General Article, which states that “[t]he decision of the Commission shall be by a majority of the quorum present and voting.” Accordingly, the Commission will amend Regulation .01 to remove the language under subsection C(3).

Person performing review:

Mark Luckner

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.05

Chapter Name: Community Health Resources

Authority: Health-General Article, §§ 19-2107, 19-2109, and 19-2201, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended on July 23, 2012

Purpose: This chapter sets forth the rules governing how an entity may qualify as a community health resource under sections 19-2101(d)(1) and 19-2109(a)(1) and (2) of the Health-General Article, including the guidelines governing the sliding scale fee schedule requirement.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission received one public comment from the National Capital Poison Center.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission received one public comment related to this chapter. The National Capital Poison Center submitted the following comment:

"Expand CHRC's definition of a community health resource so that organizations that provide free services to the public and health care professionals, and that serve as valuable community resources can be considered for CHRC grant funding."

The Poison Center explained that the requirement for a sliding scale fee schedule could potentially exclude from consideration for grant funding all organizations that provide services free of charge to their clients.

After deliberation, the Commission determined that an organization providing primary care services and/or access care services free of charge to all clients meets the requirement under the existing guidelines for a sliding scale fee schedule in COMAR 10.45.05.05. The bottom of the sliding scale fee schedule includes services that are provided free of charge regardless of income or ability to pay. There is no requirement to charge a fee if the organization chooses to provide services at no charge. Therefore, in the Commission's view, organizations that provide free services meet the sliding scale fee schedule requirement.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

XX amendment

Summary:

The language in this chapter is derived from sections 19-2101(d)(1) and 19-2109(a)(1) and (2) of the Health-General Article, which authorize the Commission to establish, via regulation, the criteria to qualify as a community health resource, including the services that a community health resource shall provide in order to be eligible to receive grant funding. Regulations .02, .03, and .04 of this chapter set forth three “categories” of qualifying community health resources, namely those that provide “primary health care services,” those that provide “access services,” and those that are specifically designated by the Commission as community health resources (identified as the “designee services” category). Regulation .05 of this chapter sets forth the guidelines for the required sliding scale fee schedule. Upon review, the Commission believes that the terms “primary care services” and “access services,” as used in Regulations .02 and .03, respectively, are somewhat ill-defined, which has led to confusion among potential grant applicants. The Commission will amend Regulations .02 and .03 to simplify and clarify the definitions and standards for qualification as a “primary care services” and “access care” community health resource. The Commission will also amend Regulation .04 to eliminate obsolete provisions and to eliminate section C, which states that a person who is a “designated” community health resource qualifies as a community health resource “without regard” to the sliding scale fee schedule requirement. This provision violates section 19-2101(d)(1) of the Health-General Article, which requires that all community health resources provide services “on a sliding scale fee schedule and without regard to an individual’s ability to pay.” Regulation .05 will be amended to make it clear that the sliding scale fee schedule applies to community health resources that qualify under Regulation .04, *i.e.*, the “designee services” category.

Person performing review:

Mark Luckner

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.06

Chapter Name: Community Health Resource Grants

Authority: Health-General Article, §§ 19-2107, 19-2109, and 19-2201, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended on February 12, 2007

Purpose: This chapter establishes rules governing the Commission's procedures for soliciting grant proposals, as well as an applicant's letter of intent, grant application, and grant proposal.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX amendment

Summary:

This chapter continues to be supported by statutory authority and is effective in accomplishing its intended purpose. The Commission will amend Regulation .02C(2) of this chapter to eliminate the 250-word limit on the description of the proposed project that must be included in an applicant's letter of intent. The Commission has never strictly enforced the 250-word limit and believes that the preceding language, requiring that the project description be "succinct," is enough.

Person performing review:

Mark Luckner

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.07

Chapter Name: Selection Criteria and Grant Funding

Authority: Health-General Article, §§ 19-2107, 19-2109, and 19-2201, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended on February 12, 2007

Purpose: This chapter establishes criteria for screening and selecting successful grant proposals, as well as identifying funding priorities consistent with statutory mandates under section 19-2201(g) of the Health-General Article.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX no action

Summary:

This chapter continues to be supported by statutory authority and is effective in accomplishing its intended purpose.

Person performing review: Mark Luckner

Title: Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.08

Chapter Name: Selection Process

Authority: Health-General Article, §§ 19-2107, 19-2109, and 19-2201, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended on February 12, 2007

Purpose: This chapter sets forth the rules governing letters of intent, the application review, grantee selection, and negotiation and award process, as well as the specific uses of grant funds.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX amendment

Summary:

Regulation .01 of this chapter governs letters of intent. The language in Regulation .01, section A, which directs Commission staff to review letters of intent and report to either the Committee on Capital and Operational Funding or to the Commission, will be amended to eliminate the reference to the Committee on Capital and Operational Funding. The Committee on Capital and Operational Funding has never been utilized in the manner contemplated under that regulation. The remaining language in Regulation .01 continues to be effective in accomplishing its intended purpose. Regulation .02, which governs the grant application review and selection process, also references the Committee on Capital and Operational Funding, specifically as it relates to the Commission's review and evaluation of grant applications, and will likewise be amended to delete the references to the Committee on Capital and Operational Funding, since the committee has never been utilized in that manner. The remaining language in Regulation .02 continues to be effective in accomplishing its intended purpose. The language in Regulation .03, which governs the negotiation and award process, continues to be effective in accomplishing its intended purpose and will not be amended. Regulation .04, which governs the permissible uses of grant funds, will be amended to reflect the Commission's accumulated experience from over a decade of awarding and administering grants under its authorizing statute. In particular, the Commission intends to amend the section governing permissible uses to include an explicit reference to planning grants, as well as to add standards for the use of subcontractors and third-party consultants. Moreover, the Commission intends to amend the section governing prohibited uses to add clarifying language regarding the purchase or lease of major equipment and the application of grant funding to construction projects. Regulation .05, which governs the formula for disbursing grant funds, continues to be effective in accomplishing its intended purpose, with one exception. The language in Regulation .05, section A, subsection 1, will be amended to make the initial 20% payment to grantees discretionary rather than mandatory, thereby allowing the Commission to increase or decrease the size of the initial payment to a grantee based on the facts and circumstances of each approved project.

Person performing review: Mark Luckner

Title: Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.45.09

Chapter Name: Emergency Grant Funding

Authority: Health-General Article, §§ 19-2107, 19-2109, and 19-2201, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended on November 5, 2007

Purpose: This chapter establishes procedures and criteria for awarding temporary emergency grant funding to qualified community health resources.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☐ Yes ☒ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☐ Yes ☒ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☐ Yes ☒ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website. The Commission did not receive any public comments relevant to this chapter.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

All interested parties were invited to submit public comments over a six-week period in the spring of 2018. Public comments were solicited via a notice posted in the Maryland Register and on the Commission's website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Commission did not receive any public comments related to this chapter.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Commission staff researched relevant regulations in five states/jurisdictions, including Virginia, Delaware, Massachusetts, California, and the District of Columbia, and at the federal level. "Relevant" regulations were defined as those regulations that involve agencies or foundations that met two criteria: (1) a budget that is derived from public funds, as established under statute or some other public process, *i.e.*, hospital/insurance conversion foundations; and (2) a mission that is similar to that of the Commission, *i.e.*, expanding health care access in underserved communities, serving vulnerable populations, and increasing net provider capacity. Commission staff identified three entities as being similar in mission, size, and scope as the Commission: The Health Foundation of Central Massachusetts, the Virginia Health Care Foundation, and the New York State Health Foundation. Additionally, at the federal level, Commission staff researched regulations governing the Substance Abuse and Mental Health Services Administration (SAMHSA), the Bureau of Primary Care and Health Resources & Services Administration (HRSA), and the Center for Medicare and Medicaid Innovation (CMMI). This research identified the section of the Code of Federal Regulations (45 C.F.R. § 75) that provides broad parameters/guidelines for grant making across multiple federal agencies.

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

No legislation has been enacted recently on the topics covered by this chapter.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

XX repeal

Summary:

Since its inception, the Commission has never received a request for nor awarded a temporary emergency grant under this chapter. A grant award under this chapter is limited to \$250,000 or less, and it may be awarded only in the event of an “unforeseeable lapse or cessation in otherwise stable funding that threatens an essential service or program serving low-income, uninsured, or underinsured residents within the State.” COMAR 10.45.09.01B(1). Moreover, the grant may only “briefly sustain the service or program until stable funding is restored or alternative funding is secured.” COMAR 10.45.09.01B(2). After review and deliberation, the Commission concluded that temporary emergency grant funding, ostensibly to bridge an entity to stable funding, is inconsistent with the Commission’s central purpose, which is to provide operating grants to community health resources that propose and develop stable, replicable, and innovative projects that increase access to health care services and reduce health disparities in the State. Accordingly, the Commission will repeal this chapter.

Person performing review:

Mark Luckner

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	COMAR 10.46.01
Chapter Name:	General Regulations
Authority:	General Provisions Article, §4-333(c); Health Occupations Article, §§10-101, 10-205, 10-301, 10-302, 10-304, 10-311—10-313, 10-402, and 10-403; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	October 23, 2017
Purpose:	The purpose of this chapter is to provide information for the following areas: definitions of occupational therapy-related terms, the licensing process, standards of practice for occupational therapists and occupational therapy assistants, explanation of supervision requirements, and other necessary information for practicing occupational therapy.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The public was invited to review the regulations at the General Session of a Board Meeting. Representatives from the Maryland Occupational Therapy Association (MOTA) and the American Occupational Therapy Association (AOTA) were notified regarding the discussion of these regulations.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Regulations .01 and .02 were promulgated and published in the *Maryland Register* for public comment on July 7, 2017. Additionally, notification of public meetings to discuss this chapter were posted on the Board's website at: <https://health.maryland.gov/botp/Pages/home.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

In 2017, the regulations were amended to include criminal history records check, as were required by legislation.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After discussion with the Board members and Board staff, it is the belief of the Maryland Board of Occupational Therapy that these regulations are still relevant to the practice of Occupational Therapy and that no further amendments are needed at this time.

Person performing review:

Lauren Murray

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: COMAR 10.46.02

Chapter Name: Code of Ethics

Authority: Health Occupations Article, §§1-212 and 10-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 2, 2012

Purpose: The purpose of this chapter is to provide information regarding the ethical practices that shall be followed by all practitioners of occupational therapy.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The public was invited to review the regulations at the General Session of a Board Meeting. Representatives from MOTA and AOTA were notified regarding the discussion of these regulations.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The General Session of the Board Meeting where the regulations were discussed was posted in the Maryland Register. In addition, it was announced in the agenda posted on the Board's website that these regulations would be discussed.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None of the Board members nor Board staff could find any information contrary to the Board's belief that the regulations were up to date and relevant to the occupational therapy practice in Maryland.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

No legislation has required amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After discussion with the Board members and Board staff, it is the belief of the Maryland Board of Occupational Therapy that these regulations are still relevant to the practice of Occupational Therapy and that no further amendments are needed at this time.

Person performing review:

Title:

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	COMAR 10.46.03
Chapter Name:	Procedures for Board Hearings
Authority:	Health Occupations Article, §§10-205 and 10-316; State Government Article, §§10-205 and 10-206; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	April 21, 2008
Purpose:	The purpose of this chapter is to provide information regarding the procedures required for any formal disciplinary hearings before the Board.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The public was invited to review the regulations at the General Session of a Board Meeting. Representatives from MOTA and AOTA were notified regarding the discussion of these regulations.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The General Session of the Board Meeting where the regulations were discussed was posted in the Maryland Register. In addition, it was announced in the agenda posted on the Board's website that these regulations would be discussed.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None of the Board members nor Board staff could find any information contrary to the Board's belief that the regulations were up to date and relevant to the occupational therapy practice in Maryland.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

No legislation has required amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After discussion with the Board members and Board staff, it is the belief of the Maryland Board of Occupational Therapy that these regulations are still relevant to the practice of Occupational Therapy and that no further amendments are needed at this time.

Person performing review:

Lauren Murray

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	COMAR 10.46.05
Chapter Name:	Collection of Fees
Authority:	Health Occupations Article, §§10-205 and 10-206, Annotated Code of Maryland
Date Originally Adopted or Last Amended:	April 21, 2008
Purpose:	The purpose of this chapter is to provide information regarding the fees for different applications and penalties for licensees.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The public was invited to review the regulations at the General Session of a Board Meeting. Representatives from MOTA and AOTA were notified regarding the discussion of these regulations.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The General Session of the Board Meeting where the regulations were discussed was posted in the Maryland Register. In addition, it was announced in the agenda posted on the Board's website that these regulations would be discussed.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None of the Board members nor Board staff could find any information contrary to the Board's belief that the regulations were up to date and relevant to the occupational therapy practice in Maryland.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

No legislation has required amendments to this chapter of regulations.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After discussion with the Board members and Board staff, it is the belief of the Maryland Board of Occupational Therapy that these regulations are still relevant to the practice of Occupational Therapy and that no further amendments are needed at this time.

Person performing review:

Lauren Murray

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: COMAR 10.53.06.01-.08

Chapter Name: Electrology Programs

Authority: Health Occupations Article §§ 8-205 and 8-6B-01 to 8-6B-29

Date Originally Adopted or Last Amended: June 20, 2005

Purpose: The Chapter provides rules for electrology education programs. Maryland no longer has any Electrology teaching programs, but these rules are necessary to determine if out of state programs meet Maryland requirements for educating an electrologist. The regulations in this chapter specify the following: how a program may apply for approval, the school's responsibility to a student, the required theory and clinical training, hours of clinical and facility requirements, the student's responsibility for clinical practice, reporting and record keeping, and authorize the Board to take corrective action if a program is in violation of these requirements.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Electrology Advisory Committee spent a year reviewing all the regulations for Electrologists. The committee is representative of the licensees and has two active electrology licensees as members and one consumer member. Currently there are about 62 licensed electrologists in Maryland.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The professional association was involved. The amended Chapter 6 was part of the proposal to amend Subtitle 53- Board of Nursing - Electrology Practice Committee that was published in the Maryland Register, February 1, 2019, Volume 46, Issue 3, Pages 144-147.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

None

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

Electrologists are a very small group and they communicate well with each other. They used to be an independent Health Occupation Board but could no longer afford the independence and became an advisory committee of the Board of Nursing in 2005.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action

☒ amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The major use for this chapter is as a framework for approving endorsement applicants from other states for licensure as an Electrologist. The committee closely follows the rules to approve or disapprove an endorsement applicant.

Person performing review: Shirley A. Devaris

Title: Director of Legislative Affairs

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: COMAR 10.53.08.01-.07

Chapter Name: Instruments and Procedures

Authority: Health Occupations Article §§ 8-205 and 8-6B-01 to 8-6B-29

Date Originally Adopted or Last Amended: Adopted June 20, 2005

Purpose: This chapter includes seven regulations on the requirements for instruments and procedures used in electrolysis: the approved modalities, office requirements, the explanation to be provided to patients, rules for a health assessment, hand washing, sterilization, preparation and treatment, and disinfection and environmental cleansing after a treatment.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Electrology Advisory Committee spent a year reviewing all the regulations for Electrologists. The committee is representative of the licensees and has two active electrology licensees as members and one consumer member. Currently there are about 62 licensed electrologists in Maryland.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The professional association was involved.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

Electrologists are a very small group and they communicate well with each other. They used to be an independent Health Occupation Board but could no longer afford the independence and became an advisory committee of the Board of Nursing in 2005.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

This chapter is used as a guideline for new licensees who have endorsed into Maryland and as an enforcement tool. Most of the Maryland electrologists have been in practice for more than 10 years and they understand and follow these rules. Therefore, no changes are needed at this time.

Person performing review: Shirley A. Devaris

Title: Director of Legislative

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: COMAR 10.53.09.01-.03

Chapter Name: Sterilization Procedures

Authority: Health Occupations Article §§ 8-205 and 8-6B-01 to 8-6B-29

Date Originally Adopted or Last Amended: Adopted June 20, 2005

Purpose: This chapter includes four regulations on the requirements for sterilization: general requirements, directions for cleaning, and sterilization rules.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Electrology Advisory Committee spent a year reviewing all the regulations for Electrologists. The committee is representative of the licensees and has two active electrology licensees as members and one consumer member. Currently there are about 62 licensed electrologists in Maryland.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The professional association was involved.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

Electrologists are a very small group and they communicate well with each other. They used to be an independent Health Occupation Board but could no longer afford the independence and became an advisory committee of the Board of Nursing in 2005.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

This chapter is used as a guideline for new licensees who have endorsed into Maryland and as an enforcement tool. Most of the Maryland electrologists have been in practice for more than 10 years and they understand and follow these rules. Therefore, no changes are needed at this time.

Person performing review: Shirley A. Devaris

Title: Director of Legislative

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

COMAR 10.53.10.01-.05

Chapter Name:

Advertising

Authority:

Health Occupations Article §§ 8-205 and 8-6B-01 to 8-6B-29

Date Originally Adopted or Last Amended:

Adopted June 20, 2005

Purpose:

This chapter includes five regulations on the rules for advertising. They include advertising standards, how other licenses should be mentioned in the advertising, rules for publishing fees so as to not be misleading, the responsibility of the licensed electrologist, and penalties for violations.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Electrology Advisory Committee spent a year reviewing all the regulations for Electrologists. The committee is representative of the licensees and has two active electrology licensees as members and one consumer member. Currently there are about 62 licensed electrologists in Maryland.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The professional association was involved.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None.

- (6) Provide a summary of any relevant scientific data gathered.

None.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

None.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

Electrologists are a very small group and they communicate well with each other. They used to be an independent Health Occupation Board but could no longer afford the independence and became an advisory committee of the Board of Nursing in 2005.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

This chapter is used as a guideline for new licensees who have endorsed into Maryland and as an enforcement tool. Most of the Maryland electrologists have been in practice for more than 10 years and they understand and follow these rules. Therefore, no changes are needed at this time.

Person performing review: Shirley A. Devaris

Title: Director of Legislative

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	COMAR 10.54.01
Chapter Name:	Eligibility, Participation, and Benefits
Authority:	Health-General Article, §18-107(a), Annotated Code of Maryland
Date Originally Adopted or Last Amended:	Last amended: March 31, 2014
Purpose:	The purpose of COMAR 10.54.01 Eligibility, Participation, and Benefits is to protect and promote the public health and safety of participants of the Maryland WIC Program. COMAR 10.54.01 specifies the eligibility procedures and benefits available under the Special Supplemental Nutrition Program for Women, Infants, and Children.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department invited comments from the general public via notice on the Department's website and on the Maryland WIC program website. The Department also invited comments on these regulations from local health departments via email.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

No other agencies were invited to review the regulations. The Maryland Department of Health is responsible for enforcement of these regulations, and these regulations do not impact the operations of other agencies.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from November 27, 2017 through December 15, 2017, and in the Maryland Register (Volume 44, Issue 25, December 8, 2017), and
- (2) Emailing local health officers on November 27, 2017.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflicts were identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department reviewed federal regulations and policy memorandums including:

- 7 CFR 246.7(g)(1)(i-v);
- USDA Guidance for Providing Quality WIC Nutrition Services during Extended Certification Periods;
- The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 - which requires one year certification option for eligible infants, children and breastfeeding women; and
- WIC Policy Memorandum #2011-3: "Implementation of WIC-Related Electronic Benefit Transfer Provision of P.L. 111-296" - The Electronic Benefit Transfer (EBT) provisions of Public Law 111-296 include a definition of Electronic Benefit Transfer (EBT) as well as a mandate that all state agencies implement EBT systems by October 1, 2020.

(8) Provide a summary of any other relevant information gathered.

No other information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☒ Yes ☐ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

WIC Policy Memorandum #2011-3: "Implementation of WIC-Related Electronic Benefit Transfer Provision of P.L. 111-296" mandates that all state agencies must implement a statewide EBT system no later than October 1, 2020. The Maryland WIC Program met this mandate with statewide EBT system implementation in July 2017. Terminology needs to be updated based on the term Electronic Benefit Transfer (EBT), which means a food delivery system that provides benefits using a card or other access device that permits electronic access to WIC Program benefits.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The regulations in COMAR 10.54.01 continue to be relevant as they provide the State regulatory oversight over the Maryland WIC Program to ensure the health and safety of individuals participating in the Program. Amendments are needed to update certification periods from 6 months to 1 year. Any references in the chapter to the term "checks" need to be updated to the term "food instrument".

Person performing review: Sherri Sabol, RD, LDN, CLC

Title: Chief, Nutrition and
Breastfeeding Services
Maryland WIC Program

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	COMAR 10.54.02
Chapter Name:	Local Agency
Authority:	Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland
Date Originally Adopted or Last Amended:	Last amended: Regulation.18 was amended December 8, 2016
Purpose:	The purpose of COMAR 10.54.02 Local Agency is to protect and promote the public health and safety of participants of the Maryland WIC Program. COMAR 10.54.02 specifies the selection and responsibilities of local agencies in the administration of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program).

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department invited comments from the general public via notice on the Department's website and on the Maryland WIC website. The Department also invited comments on these regulations from local health departments via email.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

No other agencies were invited to review the regulations. The Maryland Department of Health is responsible for enforcement of these regulations, and these regulations do not impact the operations of other agencies.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from November 27, 2017 through December 15, 2017, and in the Maryland Register (Volume 44, Issue 25, December 8, 2017), and
- (2) Emailing local health officers on November 27, 2017.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflicts were identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department reviewed Federal Regulations and Policy Memorandums including:

- 7 CFR 246.7(g)(1)(i-v);
- USDA Guidance for Providing Quality WIC Nutrition Services during Extended Certification Periods;
- The Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 - which requires one year certification option for eligible infants, children and breastfeeding women; and
- WIC Policy Memorandum #2011-3: "Implementation of WIC-Related Electronic Benefit Transfer Provision of P.L. 111-296" - The Electronic Benefit Transfer (EBT) provisions of Public Law 111-296 include a definition of Electronic Benefit Transfer (EBT) as well as a mandate that all state agencies implement EBT systems by October 1, 2020.

(8) Provide a summary of any other relevant information gathered.

No other information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☒ Yes ☐ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

WIC Policy Memorandum #2011-3: "Implementation of WIC-Related Electronic Benefit Transfer Provision of P.L. 111-296" mandates that all state agencies must implement a statewide EBT system no later than October 1, 2020. The Maryland WIC Program met this mandate with statewide EBT system implementation in July 2017. Terminology needs to be updated based on the term Electronic Benefit Transfer (EBT), which means a food delivery system that provides benefits using a card or other access device that permits electronic access to WIC Program benefits.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The regulations in COMAR 10.54.02 continue to be relevant as they provide the State regulatory oversight over the Maryland WIC Program to ensure the health and safety of individuals participating in the Program. Amendments are needed to update certification periods from 6 months to 1 year. Any references in the chapter to "checks" need to be updated to the term "food instrument".

Person performing review: Sherri Sabol, RD, LDN, CLC

Title: Chief, Nutrition and
Breastfeeding Services
Maryland WIC Program

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	10.56.01
Chapter Name:	Licensure
Authority:	Health Occupations Article, §§5-205, 5-301, 5-302 and 5-310, Annotated Code of Maryland
Date Originally Adopted or Last Amended:	August 13, 2007
Purpose:	These regulations set the standards and procedures for persons seeking to practice dietetics in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association Maryland Nutritionists Association General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.04 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Hearing Regulations, and other Maryland Health Occupation Board Hearing Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding licensing requirement. The Board reviewed COMAR 10.56.01 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Licensure Regulations, and other Maryland Health Occupation Board Licensing Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.01 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

10.56.02

Chapter Name:

Fees

Authority:

Health Occupations Article, §§5-205, 5-206, 5-303 and 5-308, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

August 28, 2017

Purpose:

These regulations govern the fees for the practice of dietetics in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.04 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Hearing Regulations, and other Maryland Health Occupation Board Hearing Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ **no action**
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding fees. The Board reviewed COMAR 10.56.02 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Fee Regulations, and other Maryland Health Occupation Board Fee Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.02 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.56.03

Chapter Name: Code of Ethical Practices

Authority: Health Occupations Article, §§1-212, 5, 102 and 5-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 16, 2001

Purpose: These regulations govern the Code of Ethical Practices for Licensed Dietitian-Nutritionists in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.04 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Hearing Regulations, and other Maryland Health Occupation Board Hearing Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ **no action**
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding Code of Ethics. The Board reviewed COMAR 10.56.03 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Code of Ethics Regulations, and other Maryland Health Occupation Board Code of Ethics Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.03 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	10.56.04
Chapter Name:	Hearing Procedures
Authority:	Health Occupations Article, §§5-204, 5-205, 5-312, and 5-513; State Government Article, §10-206; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	August 13, 2007
Purpose:	These regulations govern all formal hearings before the Board of Dietetic Practice in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.04 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Hearing Regulations, and other Maryland Health Occupation Board Hearing Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding hearing procedures. The Board reviewed COMAR 10.56.04 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Hearing Regulations, and other Maryland Health Occupation Board Hearing Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.04 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.56.05

Chapter Name: Continuing Education

Authority: Health Occupations Article, §§5-205, 5-308(d), and 5-309, Annotated Code of Maryland

Date Originally Adopted or Last Amended: March 12, 2018

Purpose: These regulations establish continuing education requirements for Licensed Dietitian-Nutritionists in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.05 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Continuing Education Regulations, and other Maryland Health Occupation Board Continuing Education Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ no action
- ☐ amendment
- ☐ repeal
- ☐ repeal and adopt new regulations
- ☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding continuing education procedures. The Board reviewed COMAR 10.56.05 and determined that the regulation Continuing Education Regulations, and other Maryland Health Occupation Board Continuing Education Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.05 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	10.56.06
Chapter Name:	Compelling Purpose Disclosure
Authority:	General Provisions Article, §4-333; Health Occupations Article, §5-205; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	October 29, 2001
Purpose:	These regulations authorize the Board to disclose investigative information to other agencies if the Board determines that there is a compelling public purpose to allow the disclosure.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.06 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Compelling Purpose Disclosure Regulations, and other Maryland Health Occupation Board Compelling Purpose Disclosure Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding compelling purpose disclosure. The Board reviewed COMAR 10.56.06 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Compelling Purpose Disclosure Regulations, and other Maryland Health Occupation Board Compelling Purpose Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.06 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

10.56.07

Chapter Name:

Advertising

Authority:

Health Occupations Article, §§5-311, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

October 14, 2002

Purpose:

These regulations govern advertising by Licensed Dietitian-Nutritionists in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)-(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.07 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Advertising Regulations, and other Maryland Health Occupation Board Advertising Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding advertising. The Board reviewed COMAR 10.56.07 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Advertising Regulations, and other Maryland Health Occupation Board Advertising Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.07 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

10.56.08

Chapter Name:

Tax Compliance Regulations

Authority:

Health Occupations Article, §§1-213 and 5-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

March 15, 2004

Purpose:

These regulations govern the Tax Compliance requirements for Licensed Dietitian-Nutritionists in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Maryland Dietetic Association
Maryland Nutritionists Association
General public

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Publication in 45:10 Md.R. 554 (May 11, 2018 and discussed at the Open Session of the Board of Dietetic Practice meeting held on May 17, 2018.)
Posted on the Board's website at www.health.maryland.gov/dietetic

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict involved in the review of this regulation.

- (6) Provide a summary of any relevant scientific data gathered.

COMAR 10.56.08 is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Board Tax Compliance Regulations, and other Maryland Health Occupation Board Tax Compliance Regulations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- ☒ no action
☐ amendment
☐ repeal
☐ repeal and adopt new regulations
☐ reorganization

Summary:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding tax compliance. The Board reviewed COMAR 10.56.08 and determined that the regulation is consistent with the Academy of Nutrition and Dietetics, other State Dietetic Practice Tax Compliance Regulations, and other Maryland Health Occupation Board Tax Compliance Regulations. The Board did not receive any comments from the Stakeholders or the general public regarding this matter. COMAR 10.56.08 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.57.04

Chapter Name: Continuing Education

Authority: Health Occupations Article, §20-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: March 3, 2014

Purpose: This chapter applies to all Residential Child Care Program Professionals who wish to renew or reinstate their certification in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The review of this chapter was discussed in open Board meetings on April 13, 2018 and May 11, 2018 which were posted on the Board's website at:
<https://health.maryland.gov/crcp/Pages/Index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment ☐

repeal ☐

repeal and adopt new regulations ☐

reorganization ☐

Summary:

After review, it was determined that the current regulations governing continuing education are not in need of any amendments at this time.

Person performing review:

Maxine Galloway

Title:

Acting Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.57.05

Chapter Name: Code of Ethics

Authority: Health Occupations Article, §§1-212, 20-205, and 20-213, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 19, 2010

Purpose: The Code of Ethics describes the conduct required of certified individuals to ensure the safety and welfare of children and youth placed in the residential child care program.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The review of this chapter was discussed in open Board meetings on April 13, 2018 and May 11, 2018 which were posted on the Board's website at:
<https://health.maryland.gov/crccp/Pages/Index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment ☐

repeal ☐

repeal and adopt new regulations ☐

reorganization ☐

Summary:

After review, no regulations changes are needed at this time.

Person performing review:

Maxine Galloway

Title:

Acting Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	10.57.06
Chapter Name:	Hearing Procedures
Authority:	Health Occupations Article, §§20-205 and 20-314; State Government Article, §10-206; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	April 19, 2010
Purpose:	These regulations govern all formal hearings before the Board for Certification of Residential Child Care Program Professionals.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The review of this chapter was discussed in open Board meetings on April 13, 2018 and May 11, 2018 which were posted on the Board's website at:
<https://health.maryland.gov/crcp/Pages/Index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment ☐

repeal ☐

repeal and adopt new regulations ☐

reorganization ☐

Summary:

The Board rarely conducts hearings. The current regulations are clear, so no amendments are needed at this time.

Person performing review:

Maxine Galloway

Title:

Acting Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:	10.57.08
Chapter Name:	Compelling Purpose Disclosure
Authority:	General Provisions Article, §4-333; Health Occupations Article, §20-205; Annotated Code of Maryland
Date Originally Adopted or Last Amended:	April 19, 2010
Purpose:	Permits the Board to disclose investigative information to other agencies or other entities, or both, under certain circumstances. A custodian may disclose information in a certification or investigative file if the custodian determines that a compelling public purpose exists to warrant disclosure.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The review of this chapter was discussed in open Board meetings on April 13, 2018 and May 11, 2018 which were posted on the Board's website at:
<https://health.maryland.gov/crcp/Pages/Index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment ☐

repeal ☐

repeal and adopt new regulations ☐

reorganization ☐

Summary:

After review, it was determined that no changes are needed at this time.

Person performing review:

Maxine Galloway

Title:

Acting Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.57.09

Chapter Name: Tax Compliance Regulations

Authority: Health Occupations Article, §§1-213 and 20-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 19, 2010

Purpose: These regulations govern the Tax Compliance for certified Child Care Program Professionals in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The review of this chapter was discussed in open Board meetings on April 13, 2018 and May 11, 2018 which were posted on the Board's website at:
<https://health.maryland.gov/crcp/Pages/Index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

There has been no legislation requiring amendments to this chapter of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment ☐

repeal ☐

repeal and adopt new regulations ☐

reorganization ☐

Summary:

After review, it has been determined that regulations in this chapter are not in need of changes at this time.

Person performing review:

Maxine Galloway

Title:

Acting Executive Director

REGULATORY REVIEW AND EVALUTION ACT: WORKPLAN: _____ EVALUATION REPORTS: X

SIGNATURE: K B Zick

TITLE: Executive Director

DATE: 2/25/19

SIGNATURE: Lillian Reese

TITLE: Legislation & Regulation Coordinator

DATE: 2/25/19

SIGNATURE: _____

TITLE: _____

DATE: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Regulation .03 was promulgated and published in the *Maryland Register* for public comment on September 14, 2018. This proposal was also posted on the Board's website. Additionally, notification of public meetings to discuss this chapter were posted on the Board's website at: <https://health.maryland.gov/bopc/Pages/index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action **X**

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

N/A

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action **X**

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.58.04

Chapter Name: Hearing Procedures

Authority: Health Occupations Article, §§ 17-205, 17-509, and 17-511; State Government Article, §§10-205, 10-206, 10-216, and 10-226(c)(2); Annotated Code of Maryland

Date Originally Adopted or Last Amended: September 14, 2015

Purpose: This chapter applies to all formal hearings before the Board of Professional Counselors and Therapists.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Stakeholders were advised and there were no changes.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Regulation .10 was promulgated and published in the *Maryland Register* for public comment on June 26, 2015. This proposal was also posted on the Board's website. Additionally, notification of public meetings to discuss this chapter were posted on the Board's website at: <https://health.maryland.gov/bopc/Pages/index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action **X**

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.58.05

Chapter Name: Continuing Education

Authority: Health Occupations Article, §§ 17-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: July 8, 2002

Purpose: This chapter applies to all professional counselors and therapists who wish to renew or reinstate their licensure or certification in the State.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

N/A

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action **X**

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

10.58.06

Chapter Name:

Licensure by Waiver

Authority:

Health Occupations Article, §§17-101, 17-3A-01—17-3A-08, 17-3A-10, and 17-3A-11;
Courts and Judicial Proceedings Article, §9-109.1(a) and (b); Annotated Code of Maryland

Date Originally Adopted or Last Amended:

October 18, 1999

Purpose:

This chapter applies only to an applicant requesting licensure by waiver as a:
(1) Clinical professional counselor;
(2) Clinical marriage and family therapist; or
(3) Clinical alcohol and drug counselor.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☐ Yes ☒ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☐ Yes ☒ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☒ Yes ☐ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☐ Yes ☒ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Stakeholders were notified and there were no changes or comments.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

This chapter is being repealed in a proposal currently being promulgated under a new chapter, COMAR 10.58.06. This was published in the *Maryland Register* for public comment on January 18, 2019 and was also posted on the Board's website. Additionally, notification of public meetings to discuss this chapter were posted on the Board's website at: <https://health.maryland.gov/bopc/Pages/index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The proposal is currently in the public comment period. No comments to date.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☐ Yes ☒ No

Provide explanations of the above responses, as needed:

This chapter is currently being repealed, as stated in the *Maryland Register*, printed January 18, 2019. This action is due to the statutory authority being repealed by Chapter 505, Acts of 2008.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action

amendment

repeal **X**

repeal and adopt new regulations

reorganization

Summary:

This chapter is no longer supported by statute and is in the process of repeal.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.58.10

Chapter Name: Compelling Public Disclosure

Authority: General Provisions Article, §4-333; Health Occupations Article, §17-205; Annotated Code of Maryland

Date Originally Adopted or Last Amended: December 24, 2001

Purpose: This chapter identifies certain licensee information that may be disclosed by the Board of Professional Counselors and Therapists under certain circumstances.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

N/A

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

Regulation .03 was promulgated and published in the *Maryland Register* for public comment on September 14, 2018. This proposal was also posted on the Board's website. Additionally, notification of public meetings to discuss this chapter were posted on the Board's website at: <https://health.maryland.gov/bopc/Pages/index.aspx>

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action ☒

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, no changes are needed at this time.

Person performing review:

Kimberly B. Link

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: **COMAR 10.59.01**

Chapter Name: **Care of Individuals Isolated or Quarantined Due to a Deadly Agent**

Authority: **Health General Article, §§18-904—18-907, Annotated Code of Maryland; Ch. 1, Section 4, Acts of 2002**

Date Originally Adopted or Last Amended: **The Chapter was originally adopted on June 19, 2006.**

Purpose: **The purpose of this chapter is to establish standards for the care of individuals isolated or quarantined due to a deadly agent. The chapter includes standards for isolation and quarantine in a health care facility, an individual's home, and in a nonhealth care facility.**

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? ☒ Yes ☐ No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? ☒ Yes ☐ No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? ☐ Yes ☒ No
- (4) Are the regulations effective in accomplishing their intended purpose? ☒ Yes ☐ No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Maryland Hospital Association was invited to review the chapter and provide feedback. No comments were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

Local Health Departments, and Maryland Department of Health units: the Environmental Health Bureau, the Office of Health Care Quality, and the Office of Preparedness and Response were invited to comment on the regulations. No comments were received.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The notice for public comment was posted in the Maryland Register on May 25, 2018.
The notice for public comment was posted on the MDH website on May 16, 2018.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

There was no interunit conflict.

- (6) Provide a summary of any relevant scientific data gathered.

The unit reviewed the US Centers for Disease Control and Prevention (CDC) guidelines on infection control and recommendations from the Healthcare Infection Control Practice Advisory Committee (HICPAC). This chapter continues to be supported by the CDC and HICPAC recommendations.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

See #6 above.

- (8) Provide a summary of any other relevant information gathered.

No other relevant information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? ☐ Yes ☒ No

Has the agency promulgated all regulations required by recent legislation? ☒ Yes ☐ No

Provide explanations of the above responses, as needed:

N/A

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

☒ no action

☐ amendment

☐ repeal

☐ repeal and adopt new regulations

☐ reorganization

Summary:

The standards for the care of individuals isolated or quarantined due to a deadly agent outlined in these regulations continue to be aligned with the CDC and HICPAC recommendations for infection control. Experts within MDH and the Maryland Hospital Association also reviewed the chapter and had no comments or recommendations for changes. Therefore, the unit determined that this chapter does not require an update at this time.

Person performing review:

David Blythe

Title:

Director, IDEORB